

# BAR BULLETIN

**PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION**

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Don't forget the April Meeting  
University Club

April 30

6:30 p. m.

"IF A MAN GOES INTO LAW IT PAYS TO BE A MASTER OF IT."  
[Justice Holmes.]

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# BAR BULLETIN

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## LET'S GET THIS STRAIGHT!

FROM all quarters of the earth there come grim reports of the war—of defeat and victory—and the part each citizen is or should be taking. The public demands an all-out offensive effort and will not be denied. The lawyers of the nation are by no means the least active in furthering that objective, as they have done in similar emergencies in the past. It is often said that the best defense is a good offense, but that is not enough today. Admiral Holmes, in his recent message to this Association as reported in the BAR BULLETIN for March, crystallized the attitude we all should have when he said: "The offensive spirit as a nation and as individuals will give us conditions of unified and properly utilized strength at home that will permit the maximum concentration of force at the *front*—where the enemy is—and without that spirit of the offensive and utter belief in it, we cannot win this war"—nor, may we add, preserve our constitutional form of government. It is to the ultimate accomplishment of those purposes that we must devote our total energies, actively excluding the non-essentials and jarring ourselves loose from lethargic complacency.

Due to the emergency the Junior Barristers are curtailing their committee activities. To compensate for this the President has appointed some of their members to the senior committees of the Association. The Bulletin Committee welcomes the addition of Richard H. Peterson, A. R. Kimbrough and Carl A. Stutsman, Jr., who have been added under this plan since the personnel of the Committee was announced in the Bulletin for March.

## THE BAR ON THE ALERT

A Word From the Junior Vice-President

IT SEEMS obviously unwise and unrealistic for members of the legal profession to assume that the dislocation of world-wide conflict will leave the profession unscathed. Attorneys are now greatly concerned over the future of their clients' business operations in a rapidly changing world. With all other thoughtful people, lawyers are disconcerted by the probability of a long conflict before the day of complete victory of arms, by the loss in human lives and values and in material resources, and by impaired freedoms. Without relaxing vigilance and personal effort in support of the war program we should examine the important question of the effect of this war upon the legal profession.

There would appear to be no justification for the taking of either of the two extreme views: that the profession is in imminent danger of partial if not complete extinction, or that the boom of war activity will be reflected in legal business. Perhaps a middle ground is more tenable. There will be continued need for legal services during the emergency and the period of reconstruction which follows. Whether available legal services shall more nearly correspond to current demand than in so-called normal times is not easily determined. Usual economic indices seldom reflect the economic condition of the bar.

But of two pronounced changes, and possibly a third, we shall soon be made fully conscious and in anticipation thereof the bar should be on the alert. First, the profession will be affected by the emergency in almost every important particular. Witnesses will be unavailable for the trial of lawsuits; associate and opposing counsel will be in active service. Substantive rights will be modified by emergency legislation and executive orders of every conceivable kind. Clients will be called upon to assume liabilities in staggering totals on the informal commitment of government agents whose authority and sufficiency of commitment counsel have neither the time nor opportunity to verify or determine. As the conduct of business is radically changed in war economy so is the practice of law. If the members of the legal profession are to continue to serve the business interests of their clients they must be on the alert to cope with the inescapable effects of war upon their practice.

Next, the already amazing growth of public or administrative law will be greatly accentuated by the war emergency. The more than one hundred fifty federal administrative agencies will be increased in number and the field of administrative jurisdiction will correspondingly expand. The growth of administrative law results in the loss of law business by members of the bar to lay practitioners unless the attorneys qualify to handle and are willing to consider administrative law problems. Certain aspects of the problem of vital concern to the profession, seem to baffle solution, such as the trend toward lay practice in this field of law. Each one of us must examine the problem from his own point of view and make such adjustments as may be necessary to prevent this growth of administrative law adversely affecting his position in the practice.

Finally, rather than ignore the bitter lesson of self-complacency of the recent past we must contemplate the possibility of martial law in some degree in this western combat area. To inform the bar of the effect of martial law upon the civilian activities the Committee on Education has arranged a series of seven lectures, free to members of the Association, on the subject, dealing with enemy persons and free speech in war time. Detailed announcement will be made as soon as dates convenient to lecturers are definitely arranged.

HARRY J. McCLEAN,  
*Junior Vice-President.*

## "WAR ON THE HOME FRONT"\*

By JOEL H. HILDEBRAND,

Chairman, Chemistry Department, University of California  
In Command, A. E. F. Gas Defense School, France, 1918

THESE PAGES are written at the request of the Executive Committee of the Commonwealth Club of California following an address by the writer delivered at the meeting of the Club, March 13, broadcast over KGO, on the topic, "Chemistry in Warfare." My aim, now as then, is to talk in plain language to ordinary citizens about some of the threats they face under the impact of war. This is not addressed primarily to Civilian Defense officials, or to physicians. It is not a set of minute directions regarding organization, equipment, how to distinguish between a dozen different toxic gases, and the like. I do not wish to usurp the authority of those officially charged with responsibilities in the face of enemy attack. They can procure information such as is issued through the office of Civilian Defense, Washington, D. C. The best thing I have seen is *"Bombs, What to Do and When to Do It,"* published by the Board of Fire Underwriters of the Pacific, San Francisco. I mean rather to give a few basic facts that everyone should know and principles of action that should be followed. I am more concerned about "defense psychology" than defense procedures.

It is mainly ignorance that is responsible for the excessive fear of poison gas under which many suffer. Such fears are increased by the nonsense spread by anxious but ignorant people, eager to pose as authorities. Several such have asked me to tell them in a short interview or in a letter what they will need to know in order to write a book of instructions, or to give lectures. Such persons should have muzzles, not megaphones.

### GAS ATTACK NONSENSE

Let me give several *examples of the nonsense* that has recently come to my attention.

1. "Phosgene burns should be treated with carbon sulfate." As a matter of fact, phosgene is not, like mustard gas, a skin burner; and there is no such substance as "carbon sulfate."

2. "In the event of a gas attack, the whole area must be permanently evacuated and the clothing of all persons within it destroyed." The truth is, first, that any gas but lewisite or mustard would evacuate the area before the inhabitants could. Second, mustard gas or lewisite could be quickly removed by street squads; using chloride of lime, or bleaching solutions and fire hose. Further, people who rushed into the street to evacuate the area would be leaving comparative safety and going where the gas would be strongest, and where they would be excellent targets for further gas, bombs or machine guns, and their running about would cause them to breathe the poison several times as fast as if they kept still. Finally, clothes contaminated by mustard gas are easily cleaned by dry-cleaning, washing, steam-pressing, or simply by airing. In fact, the whole statement is nonsense.

(\*Editor's note: This article is reprinted from THE COMMONWEALTH, the official journal of The Commonwealth Club of California, with the permission of the Club and the author, whose courtesy we are pleased to acknowledge. As some of the members of this Association may know, the motto of The Commonwealth is "Get the Facts" and its primary purpose is "to investigate and discuss problems affecting the Commonwealth and to aid in their solution". In publishing the article, we hope it will serve to help the members of this Association "get the facts" and further dispel rumor.)



3. A physician had planned a de-gassing station with an elaborate series of treatments including "surgical operation on skin visibly affected." Now there is no visible effect on skin infected with mustard gas till many hours have elapsed. It is then too late to remove the stuff from within the skin, hence the skinning had better be left till the bill is rendered.

4. "Sand to be used for putting out incendiary bombs must be 'sweet,' if it is beach sand, the salt must be washed out." As a matter of fact, the salt makes no difference. A sack of salt could be used in place of sand.

I suggest, therefore, that you do not believe everything you hear, especially if it sounds very alarming. Find out first whether the would-be authority really knows what he is talking about or is merely passing along something he has heard, probably somewhat inflated, like a fish story.

#### GAS FACTS FROM EXPERIMENTS

My statement about mustard gas, above, is not based on something I read in a book, but upon a number of experiments with it I have performed on my own body. I understand that certain physicians have not liked me to advise self-help, with soap and a bath, in place of the beautiful de-gassing facilities they have planned at a hospital. Come around, gentlemen, I have some mustard gas in my laboratory. I shall be glad to demonstrate on your arms the difference between washing the stuff off within 15 minutes and letting it stay for an hour while you stand in line waiting to be stripped, greased, washed with solution A, shaved, washed with solution B, skinned, smeared with "emollient," etc. Of course, if I have been bombed, burned and gassed, all at once, come and get me; do anything you want and salvage what you can.

Since so much that I am saying is controversial, I might as well state a few more credentials. I am writing in deadly earnest, and wish to be taken seriously. I am not trying to brag; indeed most of it should be credited not to me but to Kaiser Wilhelm II. I had extensive experience during 1918, in France, with Chemical Warfare materials of all sorts, in the laboratory, in field experiments, in teaching gas officers, in the Inter-Allied Gas Conference, through constant contact with field officers, and through observation of operations at the front. I have had some opportunity since then to keep abreast with developments.

**Common Sense vs. Recipes.** Many are anxiously trying to find someone to tell them what kind of a shovel to use; whether it is lewisite or mustard gas that smells like geraniums; how large a sack of sand should be; whether one should take refuge in the attic or the basement. And, naturally, the different experts do not always give identical answers, which is bewildering. Also, it is so hard to remember, even if once learned, which fruit, flower or vegetable resembles which gas, and it will be harder still during a raid. Let us, therefore, begin in a different way, trying to understand the problems and to apply a little common sense to solving them, rather than to remember complicated directions. What is a cook to do who has lost or forgotten the recipe for a cake, and does not know whether to use two eggs or four, a half-cup of butter or a whole? Perhaps it will be edible either way. What difference will it make? What do eggs and butter do in a cake? Once the functions of eggs, butter and baking powder, and a few other things are understood, a person can make a very good cake without a recipe.

#### INCENDIARY BOMBS

Incendiaries are meant to start fires, as many as possible from one plane-load. They must be made of materials that generate heat at a high temperature for a long enough time to ignite the combustible stuff on which the enemy tries to drop them. This is not easy. A blow torch only slowly ignites a smooth



board. A piece of phosphorous will usually burn out on a board surface, charring the board but not igniting it. A splash of gasoline might burn too quickly to ignite anything, while heavy oil is too hard to ignite. Thermite, iron oxide mixed with aluminum granules, which generates white-hot, molten iron, radiates its heat so rapidly that it may cool before it has set fire to anything. Magnesium has to get its oxygen from the air and burns for a longer time.

#### FLAT WOOD SURFACE RESISTS FIRE

Remember, then, that it takes time for an incendiary to set fire to flat wood surfaces, and wool carpets do not burn at all well. Get to work calmly and sensibly to extinguish the incendiary, or at least to prevent the surroundings being set on fire while it burns itself out.

First, the best way to control any incendiary is to cover it with sand; any kind of sand; or ashes, or dirt from your garden if you have no sand, just as you would do to smother a fire if you had never heard of bombs. If your sand is already on hand, in sacks, each small enough to handle easily, that would be sensible. Water, whether applied by hose, pail, or wet blankets would, of course, put out the little blazes that may have started. If the bomb has been covered with sand you have it under control while you attend to anything else that may have started to burn. Just think the thing out in advance. Shut your eyes and visualize yourself acting like a veteran Londoner and then, if you ever have to, you probably will.

All of the instructions I have seen presuppose that Japanese raiders would use magnesium bombs, as have the Germans, and warn against using water lest the bomb "explode." Now, in the first place, the magnesium will not explode, but water and strongly burning magnesium yield hydrogen gas, which might mix with air and explode, if water is applied too rapidly. But, in the second place, any Japanese incendiary bombs that may fall are, in my opinion, unlikely to contain magnesium at all. Magnesium is expensive and hard to produce. Therefore, if the bomb does not burn with an intense white light, with much (non-irritating) smoke, you need not be so fearful about using water.

I regard phosphorous as far more likely in Japanese bombs. This burns with a more yellowish light, copious white fumes, somewhat irritating though not really toxic. It ignites spontaneously when dry. It is very inefficient against buildings, but very effective against dry brush and grain fields.

(Continued on page 175)

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**Poison Gas.** Although poison gas seems to give more concern to most citizens than explosive bombs, the risk appears to me relatively slight for the following reasons. First, the enemy raiders should devote most of their limited carrying capacity to explosive and incendiary bombs which alone could harm military objectives. Gassing civilians in itself would do our enemies little good. Second, people who can remain behind closed doors and windows are excellently protected. It takes a lot of gas to kill people, even in the open. Third, if the enemy begins to use gas we can give it back with interest. On November 11, 1918, we were producing ten times as much mustard gas per day as Germany. We can do that again. I think it safe to say we can gas the Japanese the minute they try to gas us. That fact affords us much better protection than gas masks.

The most we should expect, therefore, at least at present, is a little gas mixed in with the other missiles for good measure, to add to the confusion and hamper rescue work and fire fighting. That is something to prepare for but nothing to put us into a panic.

#### GAS SYMPTOMS

It does not seem to me at all necessary for a civilian who is not a chemist to feel that he must learn the names, odors, properties and treatments for a list of poison gases. What you smell during a raid may bear but little resemblance to hay, horseradish, or geraniums. Consider that even human beings often disguise their bodily odors by strange scents.

The possible substances, whether old or new, will behave in one of the following ways. *Tear gas* may hang around for hours, because it is really a slowly evaporating liquid or solid. It will make you cry, whether you feel like it or not, but the amounts necessary for that will do you no real harm. They will merely hamper your operations. *Sneeze gas* would make you sneeze and cough, but would, in itself, do no further damage. It is to be feared only on the battlefield, when followed by one of the following. *Lung-tissue destroyers* may be true gases (e.g., phosgene) which drift away with the wind; liquids (e.g., chloropicrin, diphosgene) that evaporate about as fast as water, and hence may remain in traces for hours; or still less volatile liquids (mustard gas, lewisite), that evaporate only about as fast as kerosene, and, if not destroyed, might give off their vapors in low concentration for several days. These last two are also skin-irritants, behaving much like poison oak, in acting slowly, with no pain at first, but producing blisters after two or more days.

You should know that the nose is such a delicate detector that it can perceive the sharp odors of all these gases in concentrations so low that you could breathe them for a while with no particular harm. There is no sense, therefore, in getting panicky just because you have caught a few mild whiffs of one of them. Do not run about the streets to escape the gas, for you would breathe it in far more rapidly in the air down on the street where the gas would probably be most concentrated. You will be best protected if you stay indoors, preferably in a room in the top floor, with windows shut, and cracks sealed, if it seems necessary, with strips of wet paper. If a trace of gas comes through, breathe through a thick wad of cloth, preferably moistened.

#### IF YOU TOUCH POISON GAS—

If, after the raid is over, you touch anything that seems wet with an oily liquid that has a queer odor, or if you suspect that a mist from a bursting gas bomb has settled onto you, go at once to a bathroom, strip and throw your clothes out of the window and take a bath with lots of lather. If there is any kerosene, or lard, or oil, or cold cream handy, smear it on before using the soap, but do not waste any time hunting for it. Cleaning liquid can dissolve the poison

oil, but is likely to evaporate leaving the oil behind, besides, it will not do you any good to breathe a lot of cleaning fluid vapors.

#### **IF YOU BREATHE POISON GAS—**

If you should be one of the few who get a big dose of poison gas in your lungs, take it easy. Absolute rest is the only medicine you need for some hours or days. Have yourself taken to a hospital. The staff there will know how to treat such injury as may develop. Comfort yourself with the thought that gassed soldiers fully recovered in World War I in much larger proportion than any other casualties. Moreover, gassing is, on the whole, far less painful than most other injuries.

**Objects of Enemy Raids.** In any contest involving strategy one should, of course, try to appraise what is going on in the mind of the enemy. A good poker player understands this. Let us make a few guesses about the objects of hostile raids to help us to deal with them intelligently.

First, no real invasion will be attempted unless bases can be established much closer than any now in enemy hands, hence any attacks he will make will be in the nature of hit-and-run raids.

Second, so long as we can menace his own shores and outposts, he will not risk sending his whole fleet, but will rely only on submarine torpedoes and shellings, and, possibly, striking at long range from a single airplane carrier, with light bombers only. Transoceanic heavy bombers in large fleets are still in the future.

Third, the objectives worth enough to justify the risk of a carrier include shipyards, naval stations, plane and munition plants, bridges, dams, forests and grain fields. Small dwellings, such as most of us live in, would not be the main targets. We are not that important. They would be hit, if at all, only by wild shots.

#### **RAIDS TO STOP PRODUCTION**

The purposes would include, also, stopping production. If the Japanese had a single plane somewhere in the wilds that could fly over Los Angeles several nights a week and bring all war production to a standstill for a blackout, the joke would be on us. We would brag about the perfection of the blackout while the Japs could chuckle over the perfection of work interruption at negligible cost to themselves.

Another Japanese purpose would be to assist certain senators in their effort to have our fleets recalled to do patrol duty just offshore, where the enemy could easily locate them.

#### **DO WE WANT THAT KIND OF SAFETY?**

Still another would be to encourage the San Francisco Supervisors and other timorous citizens to demand that labor and materials be diverted from producing weapons and ships for our fighting forces, and rubber needed for bullet proof gas tanks and tires for jeeps, trucks and gun carriages to go instead into civilian gas masks. Some citizens and a lot of defense officials are unwitting allies of the enemy in helping him to achieve these objectives. You and I should get these matters clear in our minds and decide whether we want that kind of safety.

If a raid should occur, some citizens are going to get hurt and some killed. But what of it? We kill more people in a year with our autos than can ever be killed by enemy air raids. Autos are still about as dangerous as German bombs to English life. We take the former rather calmly; why get so jittery over the mere possibility of the latter? Being mangled by an auto is no pleasanter than being instantly killed by a bomb.

**Winning the War or Personal Safety?** Personal safety cannot long be guaranteed by putting on a gas mask and digging into a backyard bomb shelter while someone else beats off the Japs and the Nazis. If many of us do that the Japs and the Nazis will eventually dig us out, one by one, and put us to work, for them. Our only hope for personal safety lies in collective effort. Effort to produce and effort to fight.

Get your sacks of sand, your hose and spraying nozzle, your shovel and goggles, your blackout curtains, but do not for a moment think that these represent your share of war effort. To win requires soldiers, sailors, ships, tanks, planes and food, and then more soldiers, sailors, ships, tanks, planes and food. Where? Guarding our beaches and cities? No. In Australia. In Alaska. In Iceland. In the Philippines. In Russia. In Norway, perhaps. In France again. We cannot have these along with business as usual, or pleasures as usual. It is bombers abroad, not gas masks in San Francisco, that will win the war. Have we not brains enough to see it? We cannot buy victory. The price of victory is "blood, sweat and tears." Whose? The other fellow's?

#### WHY NOT BECOME FARM LABORER?

There are going to be crops of precious food next summer that will rot unless new hands are found. You and I are not fruit pickers; that, we have thought, is labor for Oakes and Arkies, Japs and hoboes. But these will not accomplish the job for us next summer. Ladies who wear stylish clothes and play golf, and bridge, and tennis, might well begin at once to get themselves in a frame of mind to don overalls, exchange a powder complexion for a sun-kissed tan, and color their finger nails with honest dirt in place of varnish. A queer idea? It takes queer ideas like that to win wars. The Russian women can do it.

#### GET YOURSELF A JOB!

There are more ships and planes and tanks to be built. English women are doing it along with men. Many American men, former executives of businesses snuffed out by war, have not waited to be drafted to the new jobs that have to be done with hands, in overalls. But many more are needed. What are you and I doing in the meantime? Worrying about getting a gas mask? If we want to stop worrying, a production job would be far more effective than a gas mask. Work is the best known antidote for worry.

The persons dodging their opportunities to take part in this all-out war deserve no protection. "The ones to concern us are those flying our bombers, shooting our guns, making the tanks and planes. Lives are going to be lost; let us not sacrifice the wrong ones. A company of soldiers on Luzon are more important to the Nation than a whole city block with all its inhabitants. . . . One American bomber operating in the East Indies is today worth more to us than millions of civilian gas masks. . . . Civilian defense is a part of our task, but let us give it the proper place on the priority list; well above 'business as usual,' or society as usual, or personal convenience, but far below fighting and producing the means for fighting. Let us reject the turtle as our totem and return to the far-soaring eagle."\*

\*Closing quotation is from "This World"—San Francisco Chronicle, February 15, 1942.

The BULLETIN solicits articles of interest to the members of the legal profession. However, we assume no responsibility for the views expressed by any contributor, which may not necessarily accord with those of the Trustees or of the Committee. Material must be submitted not later than the tenth of each month for publication in the next issue.



## COMING EVENTS



JAMES A. JOHNSTON

Dinner, as usual, at 6:30 at the University Club. Remember the date, April 30. Tickets \$1.25.

### LUNCHEON MEETINGS

Herbert Cameron, Chairman of the Luncheons Section of the Committee on Education and Public Information has announced that the luncheon meetings will be held hereafter every *third* Tuesday instead of every other Tuesday. The next two meetings will be on May 5 and May 26, at the Alexandria Hotel, Parlor A, at 12:15 p. m. The speakers will be announced later.

Mark these dates on your calendar!

## THE OFFICE FOR EMERGENCY MANAGEMENT

FOR those whose practice requires them to unravel the red tape and try to get to the right place, the official set-up in Washington of the Office of Emergency management may be of interest. Under the watchful eye of a Liaison Officer, the Office includes the following boards and divisions: Central Administrative Services, Defense Communications Board, Defense Housing Division, Information Division, National War Labor Board, Office of Scientific Research and Development, Office of Civilian Defense (James M. Landis, Director), Office of the Co-ordinator of Inter-American Affairs, Office of Defense Health and Welfare Services, Office of Defense Transportation, Office of Facts and Figures, Office of Lend-Lease Administration, Office of Price Administration (Leon Henderson, Administrator), and War Production Board. The W. P. B., under Donald M. Nelson as chairman, has these divisions: Planning Board, Purchase Division, Production Division, Materials Division, Division of Industry Operations, Labor Division (Sidney Hillman, Director), Civilian Supply Division, Progress Reporting, Requirements Division, Statistics Division, Information Division, and Legal Division.

### THE APRIL MEETING

WITH a wealth of experience and a background of legal training, James A. Johnston, Warden of the United States Penitentiary on Alcatraz Island in San Francisco Bay, will be the principal speaker at the monthly meeting of the Association on Thursday, April 30, 1942. His subject is "The Federal Prison System."

Warden Johnston is frequently mentioned in the news in his present official capacity. It is not as well known, perhaps, that he is a member of the State Bar of California and of the American Bar Association. His experience in the field of penology includes service as Director of Penology of the State of California, Chairman of the California Crime Commission, member of the Advisory Pardon Board, Warden of State Prisons at both Folsom and San Quentin, and for more recently as Warden at Alcatraz. In 1941 he was President of the American Prison Association.

**MEMORIAL**  
of  
**LOS ANGELES BAR ASSOCIATION**  
to  
**WARD CHAPMAN**

January 13, 1875—March 27, 1942

**W**ARD CHAPMAN passed away at his residence in Los Angeles, California, on March 27, 1942. He was born in Susanville, California, on January 13, 1875, the son of John S. Chapman and Jennie Sherrill (Ward) Chapman, coming to Los Angeles with his parents and other members of his family in 1878. Mr. Chapman received his education in the public schools and colleges of this State, later entering the office of his father who was one of California's most distinguished lawyers. Mr. Chapman was admitted to the Bar in 1898 and thereupon engaged in practice with his father until the latter's death in 1902. He then formed a partnership with the late Judge Oscar A. Trippet, and more recently was in association with his brother, L. M. Chapman, his son, John S. Chapman, and John S. Frazer under the firm name of Chapman and Chapman.

Mr. Chapman was affiliated with the Masonic Fraternity, American Bar Association, State Bar of California, Los Angeles Bar Association, and was also a member of the California Club and Los Angeles Athletic Club.

He leaves his widow, Katherine Miles Chapman, two sons, Philip M. Chapman and John S. Chapman, his brother, L. M. Chapman, and two sisters, Mrs. Robert Gillern and Mrs. E. A. McMillan.

Mr. Chapman was generous indeed in bestowal of his services upon important committees of our Bar Association. During his years of membership, including the year 1941, he served as a member or chairman of Committees on Constitutional Amendments, Judiciary, Legal Ethics, and Law Libraries, always with care and distinction.

Ward Chapman justly followed in the footsteps of his great father and remained always a leader of the Bar in California. His practice involved a greater part of the most notable litigation of the Southwest, and his clientage, vast and important industries and interests engaged in its development. Mastery of law, capacity for constant and laborious effort, unceasing zeal, unswerving fidelity, unimpeachable honor were the foundation and bulwark of his lifelong achievement. He dwelt in honor in our community, nobly sustaining his part in civic life. He embodied the highest traditions of his profession.

A simple, forthright, sympathetic, honest man, lawyer and friend, Ward Chapman fulfilled every obligation, measure and devotion of a complete and valiant life. He leaves a memory of respect and affection which may well be a rich heritage of our Bar Association which is honored to offer in memory of him its own tribute of respect for what he was and for what he did.



## OFF TO THE WAR

The already long list of bar members who have joined the armed forces from Los Angeles in recent months, was materially augmented during the past two weeks. Among prominent lawyers who have left for active duty both in the Army and the Navy according to news received by THE BULLETIN during the past month are the following:

Lawrence W. Beilenson, major U. S. Army Reserve, Fort Knox, Kentucky; Whitney R. Harris, Ensign, U. S. Naval Reserve, Long Beach; Stanley N. Gleis, Lieut. Jr. Grade, U. S. Naval Reserve, Long Beach; Thomas Hart Kennedy, Captain, U. S. Air Corps; Emmet H. Wilson Jr., Lieut. Jr. Grade, U. S. Naval Reserve; Gregson Bautzer, Lieut., U. S. Naval Reserve; Edward W. Lloyd, Lieut., U. S. Naval Reserve; Emmet E. Doherty, U. S. Navy; Fred G. Conrad, U. S. Army; Ralph Sadler Roser, U. S. Army.

There are probably many more members of the bar who have entered the service but who have neglected to notify their bar organization of their departure. On behalf of the Los Angeles Bar Association, THE BULLETIN extends to each and every one of them Godspeed.



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## BETTER LABOR RELATIONS—NOW!

By Alexander Macdonald of the Los Angeles Bar

THE successful attack upon Pearl Harbor, the loss of Singapore and the Dutch Indies, and the fall of Bataan are now history. The fate of Burma as these lines are written, is in the balance. These military defeats are realities and they demonstrate more convincingly than tongue or pen the paramount necessity of the nation acquiring complete unity as quickly as possible. If there is anyone who still considers our defeat an impossibility, let him immediately shake off the lethargy of thought that makes such a viewpoint possible and face the facts.

It is apparent that the grave danger which we face cannot be combatted successfully without an "all-out effort." Every citizen must do his part in accomplishing the complete unity which is so vital no matter how great or little that part may be. It is perhaps trite to say that there is no field of civilian activity in which unity is more essential or of more importance than that of industrial relations. This was true before war came and before the term "unity" had acquired its present significance. It is doubly true now. Yet, in spite of the Japanese successes at Pearl Harbor and in Malaya, Singapore, the Netherlands Indies, Bataan and Burma, the relations between industry and organized labor still leave much to be desired.

Someone once wisely said that most human ills arise from the tendency to attempt the solution of a difficulty without first arriving at a true understanding of the problem presented. If this be true of all human affairs, it is particularly true of industrial relations, a field which abounds with misconceptions and the prejudice and bias born thereof. Therefore, before exploring the ways and means of bettering labor relations, let us first see if we cannot agree upon certain fundamental truths which underlie and form the basis for any intelligent and logical approach to the problem.

There are two basic concepts, which if conceded to be sound and their implications thoroughly understood, will suggest the road to more and better production of the implements of war, as well as a constructive approach to the formidable problem of reconstruction which will face the country once a military victory has been achieved.

The first concept is that the profit motive, the incentive which financial reward gives to the exercise of individual effort and initiative, is something that must be retained at all costs if, to use a somewhat hackneyed phrase, the American way of life is to continue. The validity of the profit motive finds its proof in the history of our country, where, in the short period of approximately one hundred and seventy-five years, a standard of living has been achieved which has excelled anything that the world has ever seen. The telephone, the automobile, the airplane and the radio—just to mention a few of the many evidences of the instances in which American initiative and industry have harnessed science to serve human needs—are all basically American products, which have been imitated in other countries but never equalled, much less excelled. And who is responsible for these achievements? Certainly not any privileged class or group; for in the ranks of our leading industrialists we find many individuals who started their careers in the lowest ranks of labor. In what country other than the United States could a Scotch immigrant become an outstanding leader in the steel industry, a Danish immigrant the head of one of the largest automobile companies, and a backwoodsman the chief executive of the government? The answer is, none. In most of the countries of the old world the common laborer's son became a common laborer and had no hope or expectation of economic advancement. The example set by our country is to a large extent responsible for the abolition of what might be described as a system

of feudalism, where it has been abolished, elsewhere. At the same time that we have been achieving this miracle of progress, the freedoms guaranteed by the Bill of Rights have been retained. This statement is in a sense misleading, because it puts the cart before the horse. In reality it is the retention and free use of our liberties that have stimulated the exercise of individual initiative and the creation of the bounties in human comfort and happiness which have been the fruits thereof.

No one can logically maintain that our way of life has not been the determining factor in making us the richest nation on earth. Some, however, may urge that there has been an unequal apportionment of this wealth and that it should be more equitably distributed. Against the feasibility of this suggestion it can be argued with much force that it is impossible to distribute wealth and that any effort to distribute it destroys it. Passing that point, however, and assuming for the purpose of argument that some sort of a distribution can be accomplished, let us be sure before we make any such attempt that in so doing we will not destroy the system which created this wealth and which, if allowed to function, will continue to create it.

There are certain laws of nature that no man-made law can change, whether such law be the decree of a dictator or the enactment of a legislative body elected by democratic processes; and the most important of these is the one known as the survival of the fittest. The soundness of this law is not open to debate. We can be certain that no matter what laws may be enacted in this country under the guise of aid to the underprivileged, there will always be those individuals who will carve out for themselves a preferred status within the framework of such laws, just as there will always be those who will still be underprivileged. In short, if we should ever adopt an economic system which effectively denied financial reward for individual initiative, we would not only destroy the system which has proven itself as the one best calculated to increase the nation's wealth, but we would at the same time fail to accomplish the avowed purpose for which such economic system was brought into being. The struggle for position and preferment under such a system would be entirely for selfish purposes and would be of no benefit to the community, whereas under our existing system of private enterprise the individual, in laboring to create an industry or a business within an industry, not only acquires wealth for himself but inevitably as a by-product creates it for others. If this statement requires substantiation it finds it in the many industries which have been created or enlarged in our country during the present century, each of which has brought into being gainful employment that otherwise would not have existed.

Finally, our system of free enterprise must be viewed from a viewpoint less materialistic. Everyone desires happiness, and no able-bodied man can be happy unless he is performing a useful task. Any system of government that denies a premium for successful endeavor on the part of the individual necessarily discourages savings and thereby requires a vast dole by government. The dole not only lowers the dignity of man but it saps his moral fibre, and if a huge dole is to become a permanent fixture of our economy it will tend to make us a country of alms-seekers and dependents. A state is no stronger than the citizens who compose it, and if it is only the fittest who survive it is difficult to see how a nation of dependents can be expected to endure.

All of the foregoing and much more has been said in favor of our system of private enterprise. The overwhelming majority of both unions and employers accept this system, and profess to support it. But here it is necessary to weigh words against actions. In relatively few instances there are those who are consciously trying to undermine our system of free enterprise and under the guise

of supporting the system are in reality doing their utmost to destroy it. With such persons we are not here concerned. As to the others whose actions do not support their asserted allegiance to the profit motive and who it may be conceded are sincere persons, the only eligible explanation of the paradox of their position is that they fail to appreciate the most important implication of the economic system they profess to champion, namely, that we have no class system in America. There is no such thing as the laboring class, in the sense that its membership is static, any more than there is a fixed upper class. A good thumbnail description of the absence of the old world system in our country is contained in the saying that in this country we go "from shirtsleeves to shirtsleeves in three generations." This truth could be equally well stated if we were to say "from riches to riches in three generations." The poor man of today is the rich man of tomorrow, and vice versa. No one is circumscribed as to his future by the mere accident of birth. This is the cornerstone of the American way of life.

If the conclusion just arrived at is sound, and it would seem to be unescapable, it is apparent that it has been overlooked or not thoroughly understood by many labor leaders because only too frequently labor disputes are given a pattern by the unions which invites belief in the fallacy that labor is labor and capital is capital and never the twain shall meet. Thus some union representatives look upon management as an ugly and selfish ogre from which concessions are to be wrung by fair means or foul and irrespective of the justice of what is demanded. On the other hand, there are employers equally obtuse and unreasonable who, instead of meeting the union with a spirit of making a fair bargain, direct

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their efforts, as far as they can do so without running afoul of the Wagner Act, toward undermining and exterminating the union. They justify this course of action by their conviction that union leaders are either racketeers or communists, or both, and so consciously or unconsciously, as the case may be, support the doctrine of an immutable class system.

It must be admitted that there are cases, entirely too many cases, in which there is abundant provocation for such attitudes on the part of both management and labor. Nevertheless, the outstanding truth remains, that there is not and never can be a class system in the United States so long as our present form of government exists. The laboring man of the lowest rank still has the opportunity of becoming a leader of industry if through his own initiative and effort he can bring this to pass; and this incentive must be preserved if our great productivity and the high standard of living which accompanies it are to be retained. Any leadership, be it that of organized labor, of management or of government, which whether through ignorance or design works to a contrary end, is bad leadership.

The second fundamental concept underlying industrial relations is the permanence and reality of the labor movement. No thinking person can review the course of this movement in the Anglo-Saxon nations, particularly during the last two decades, without arriving at the conclusion that the labor movement is an integral and permanent part of our economic system. In order to realize that it is growing stronger, it is only necessary to point out the large increase in union membership in recent years and the recognition of the validity of the movement by legislation, of which the Wagner Act and the Norris-LaGuardia Act are prominent examples. No brief is made here for or against the wisdom of the labor movement from either an economic or sociological standpoint. From a superficial point of view one may be sympathetic with the attitude of the employer who, paying his employees admittedly high wages and providing them with the best possible working conditions, rebels at having his plant organized, because he sincerely believes that the labor union cannot obtain anything for his employees that they do not already have or that he is not willing to concede. Nevertheless, such an employer ignores the realities of the situation. The labor movement is not a theory; it is a fact. It exists and will continue to exist. It cannot be ignored, and he who seeks to do so is comparable to King Canute who, as legend has it, forbade the waves to break upon the shore.

In advancing and stressing these two fundamental truths, first, that the profit system, the system of private enterprise, the system that as a nation we have followed and prospered under in the past, is the system which is best for the welfare of all of our people and, second, that the labor movement is a permanent fixture in our economy, no attempt has been made to document their validity because they are self-evident. Assuming then that these two propositions are sound, how can they be implemented so as to cause the betterment of labor relations? Several steps suggest themselves.

First, the wisdom of retaining and nurturing the profit motive in our economy should be brought home to all concerned as clearly, as forcefully and as soon as possible, to all employers of labor, to all stockholders of industry, to all labor leaders, to all leaders in government, both state and federal, and last and most important of all, to each and all of the country's workers. It should be emphasized that the retention of the profit motive should be the first and foremost consideration in the field of industrial relations and that no step or maneuver should be taken which militates against this principle to the end that an aroused and



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informed public opinion will throw out of power all leaders who consciously or unconsciously do not support it.

Second, any and all employers who do not concede the reality and the permanence of the labor movement should be made to realize it. This is not to say that there should be any advocacy in this behalf of the closed shop or the unionization of employees. No pressure should be brought upon anyone to join a labor union who does not wish to do so. But it should be urged upon every employer who would adopt the "smash the union" attitude that such a course, aside from being a violation of the law, is an unwise one in the long run from his own selfish standpoint.

Before proceeding to the third and last suggestion, objection may be made that the accomplishment of this bit of education is impossible. The answer is, that it is never impossible to bring about the acceptance of the truth. Our forefathers were no doubt considered starry-eyed idealists when they sponsored the Boston Tea Party and suffered at Valley Forge, but nobody considers them such now. Our people are now awakened as never before to the necessity of putting patriotism before selfish aims. Examples of poor labor relations are not difficult to find. It is a fact, bordering upon the bizarre, that we still have strikes, strikes in defense industries, and strikes at a time when our armed forces are meeting defeat after defeat principally, if not solely, because of the lack of ships, planes, tanks and guns. In addition to strikes, we can only guess at the number of "slow downs" that are occurring in plants where labor relations are bad. If each individual would constitute himself a committee of one to disseminate the validity of these two key truths underlying all labor relations among those with whom he comes in contact, their importance and significance would soon be understood by the entire nation. Certain it is that unless and until this job of education is thoroughly done, our production will not be up to what the emergency demands, and unless we promptly obtain and maintain the full production of which we are capable, let us face the fact that we can and may lose the war.

The third and final observation is that universally good labor relations cannot be obtained without the exercise of real statesmanship by the leaders of both labor and management. Neither the Executive nor the Congress can work any miracles here. A display of true statesmanship would go far toward dispelling not only actual labor disputes but the atmosphere of suspicion that so often is the forerunner of such disputes. Just as rancor begets rancor so fair dealing begets fair dealing. If the facts of any given problem are laid fully and frankly on the table it is rarely difficult to find a solution, and there is no field in which this is more true than in labor relations.

What has been said as to the absolute necessity of good labor relations if we are to make a victorious war effort is equally applicable to post war conditions. In recent months much has been said as to the necessity of winning the peace. Without knowing the exact meaning intended by the various persons who have used this elusive phrase, we can assign it a meaning for present purposes and say that it means the creation of a condition of affairs, both national and international, which will prevent the recurrence of war for an indefinite period of time and insure that the American people will continue to enjoy the individual liberties guaranteed to them by the Bill of Rights.

It is not difficult to visualize the general situation that will face us when and if the war is won. The economic dislocation will be enormous. Industry will face the problem of converting itself from a producer of "guns" to a producer of "butter," and such conversion will inevitably cause serious unemployment



and economic distress. If and when the time comes capital and labor do not undertake to handle this most difficult problem in a statesmanlike fashion, they will be unable to solve it. If a solution is not worked out by the parties involved, the government will be forced to take over; and government control, of course, involves a more or less complete loss of autonomy by both management and labor. This is but another way of saying that when democracy does not work, totalitarian methods will inevitably be substituted. Heaven forbid that such methods should ever become necessary in the United States. It is hard enough to retain our civil liberties; once lost it would be infinitely harder to regain them.

If there is any bright side to the war, it is that the common danger tends to break down prejudice and bias and when the clouds of prejudice and bias are dispersed, the truth shines out. Now is the ideal time for laying the foundation for a permanent improvement in labor relations. If strong and intelligent leadership can be built up in this field at the present time, it should not be difficult to retain it for the difficult task of reconstruction. If such leadership cannot be established now under the powerful and public urge of the war effort, it is too much to hope that it can be created when the war is over; and in such case we shall indeed have lost the peace.

It is the patriotic duty of every employer of labor and every labor leader to make an unselfish and sincere effort to see that good relations between labor and management are accomplished; and the less that government participates the sounder and more permanent will be the fruits of such effort. It is to the interest of the stockholders of industry and the members of unions, as well as their patriotic duty, to make their voices felt, to the end that their leaders will make this effort and make it promptly.

It is submitted that there is no one who can logically or fairly refuse to concede the soundness of the foregoing. There may be some, however, who, although admitting the validity of the two truths here emphasized as well as the necessity for the exercise of greater statesmanship in labor relations, believe that their own activities and policies are an example of such statesmanship and cannot be improved upon, and persist in such belief in spite of the fact that the industrial relations with which they are concerned are bad. It is always harder to see the mote in one's own eye than it is in the eye of the other fellow. Let all of such complacent persons, whether they be identified with management, with labor or with government, do a bit of critical self-analysis. Let them try the shoe on. They might be shocked into the realization that it fits.

## CIVILIAN DEFENSE

By James C. Sheppard,\* of the Los Angeles Bar

CIVILIAN DEFENSE is a phrase that a great many people have heard, but have not always understood.

The Ninth Region of Civilian Defense involves the same area as that known by the Army as the Western Theater of Operations. It is composed of eight states: Montana, Idaho, Utah, Nevada, Arizona, California, Oregon and Washington. Four of these have been defined by the Army as being within the combat zone. Here are centered the operations of the Western Defense Command and fourth Army. Here also are located the 11th and 12th and 13th Naval Districts.

\*Excerpts from an address by Mr. Sheppard as Regional Director, Ninth Regional Office of Civilian Defense, April 6, 1942.

In these states, with an area of more than one-third of the entire country, there are more than ten million people. In addition to the normal life of these people, their homes, their schools and their churches, there are here literally thousands of essential industries and strategic facilities, which are of primary importance to our successful war effort.

These eight states are a vital part of the Nation. It is not possible to shut ourselves off from the rest of the Nation and think alone of these states. Living in this Western Theater of Operations, we have had primary responsibility thrust upon us by the very fact of our geographical location—a responsibility not only to ourselves, but to all the rest of the nation. If we fail to measure up to this responsibility—if we fail to prepare ourselves against any emergency on this Western Coast, we will be guilty of inflicting a mortal blow upon the morale and defense of the entire nation.

In this area the Army and the Navy have had entrusted to them a vital, strategic and essential battle area. Somewhere in these eight states, the success of national offense and defense will be determined. From these shores will flow the men and the supplies that will win this war. This is why the Ninth Regional Office of Civilian Defense is identical in territory with that the Western Theater of Operations.

We have then, three obligations imposed upon us. First, as civilians, to prepare our protection and defense; second: By that preparation, to help defend all of the United States which lies to the East; and third, by the complete realization of our obligations as civilians to free the Army and Navy to do their own jobs.

We are engaged in a new kind of warfare. It is fought in all branches of human endeavor. It takes advantage not only of men and machines, but also of thoughts, ideals, convictions, complacency and doubt.

Civilian defense means the mobilization of one hundred and thirty million free people; not on order, not on command, but by their own spontaneous cooperation. It means that the American people individually and collectively have decided in their own hearts and minds to assume the responsibilities and obligations of defending this country.

Only a free people could rise so courageously as the five million, six hundred thousand enrolled workers of civilian defense have risen to the challenge since December 7th. Of this number, more than 400,000, or over 7%, are in these eight states.

Careless, unthinking comment on this great task of voluntary cooperation throughout the nation is deeply unjust to the millions of sincere people who are doing their job as the actual workers of civilian defense.

Remember that there is a world-wide ring of saboteurs concentrating their efforts to divide the American people in their immediate task of winning this war. These saboteurs do not have the mark of the beast upon their foreheads. They are careful and insidious in their attacks. They are concentrating not only on our military and naval forces. They are also doing their best to destroy civilian morale by spreading rumors, and with whispers of disunity. Those who criticize this system through which civilians organize *defensively* for the protection of their homes, and *offensively* for the success of our Army and Navy, and who voice their criticisms without any knowledge of the facts, are themselves aiding these saboteurs and are just as guilty of sabotage as are the agents of the Mikado and Hitler.

In the last analysis, our protection lies in our own hands. This means

self-discipline, self-sacrifice, devotion and cooperation, subordinating all lesser purposes to those of a united people.

The office of Civilian Defense was created by Executive Order of the President on May 20, 1941, seven months before the declaration of war. It has a three-fold purpose: *First*, the organization of all civilian agencies of defense; *second*, the coordination of the efforts of the city, state and federal governments, and *third*, the direction of these activities so that there may be a complete and total mobilization of every single one of us to win this war.\*

To best accomplish this result our work is divided within this area into: *First*, Civilian Mobilization. By this we mean obtaining the unified effort of every civilian to win this war. *Second*, Information. This means the preparation and organized distribution of information so that every citizen knows and discharges his duty and responsibility. *Third*, Civilian Protection. This involves the preparation, training and action of every citizen in defending the lives and persons of those whose efforts are required to win the battle of production. *Fourth*, Property Protection. Which involves the development of a technique and the means of protecting your home, our essential industries, and our strategic facilities—such as our rails, our water supply, and our utilities. *Fifth*, Evacuation. This means the disciplined preparation to vacate essential areas if required by the plans of the armed forces.

The Office of Civilian Defense cannot order you to help. It can only persuade you to understand your own needs and obligations and show you how to meet them.

After contact with the Army and Navy Commands, I can tell you frankly that our generals and our admirals not only *desire* but *require* a strong, capable, and efficient civilian offense and defense. There are those skeptical people who seem to think that the solution to all of their personal and national problems is an immediate declaration of martial law within this area.

These people are not only ignorant of the lessons of history—they, themselves, are but the victims of a subtle form of Japanese and German propaganda. If you are so foolish as to want the Army to govern and police the ten million people in an area of more than one-third of all of the United States—let me ask you this—how in the name of Heaven do you expect our army and navy to defend our shores and bomb Japan to its knees?

What the Army and Navy need and recognize is the strongest possible form of civil government, supplemented by each citizen's knowledge of his duty, and his devotion to that duty.

Too much do we speak and worry about when and where we may be attacked or bombed. Of course we may be attacked. But we must have the will to win this war—not merely the will to defend our borders. This is our job—and this we will do. Don't worry about our Army and Navy. They do their part. Be sure you are doing yours.

This is our challenge. This is our job. This is the work of the Office of Civilian Defense.

\*A well-annotated comment on "Civilian Defense—Some Administrative and Legal Problems," will be found in 55 Harvard Law Review, March, 1942, pp. 844-859. —Editor.

## "THE LAW FOR A STATE OF WAR"

SUCH is the intriguing title of Part II of A Syllabus of American International Law for American Practitioners, a series of four booklets compiled by Dean John H. Wigmore, Dean of Northwestern University Law School, who modestly refers to himself only as a member of the Council of the Section of International and Comparative Law of the American Bar Association. Part I (pp. 47), a collection of source material on International Substantive Common Law, was published in September, 1941, while Part II (pp. 77), was issued in February of this year. After pointing to "the unacquaintance of our modern Bar with even the elements of International Law," and to the two chief causes thereof, Dean Wigmore says in his introduction to Part I:

"It is therefore the purpose of the present screed to help persuade the practitioner that the above attitude is mistaken on both points, *i.e.*, (1) *that International Law is an American subject*, and (2) *that it teems and bubbles with principles and rules which may arise in ordinary practice at the bar*, and from whose knowledge a fee may be earned quite as likely as from knowledge of most other subjects of law. The Syllabus herewith appended is designed to show that fact."

As though Dean Wigmore's Introduction to Part I were not a sufficient statement of the case, in his Preface to Part II the Dean answers in a very enlightening manner the question, "Is not a knowledge of International Law *futile*, in time of war, which is a temporary negation of law?" "The doubt," he says, "is a widespread one, in the public at large as well as in our legal profession. But it is baseless." With this we must agree after even a most cursory examination of the two parts of this Syllabus already published.

Space does not permit an extended review of the contents of Parts I and II. To say that they are well worth reading is hardly enough. Any lawyer who hopes to be posted on what is going on in this troubled world should have them on hand for ready reference. Both can be obtained on application by mail to the American Bar Association, 1140 North Dearborn Street, Chicago, Illinois, at a cost of 50c and \$1.00, respectively, to cover the cost of printing and mailing. Part III, International Procedure in Controversies (including War), and Part IV, International Adjudication (Arbitration Commissions, Hague Court, World Court), will be printed later.

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"The spirit of resistance to government is so valuable on certain occasions that I wish it always to be kept open. It will often be exercised when wrong, but better so than not to be exercised at all."

THOMAS JEFFERSON.

## BAR ASSOCIATION ACTIVITIES

### PASADENA BAR ASSOCIATION

THE March dinner meeting of the Pasadena Bar Association, honoring the District Court of Appeal, Second District, Division Two, was held Tuesday, March 17, 1942, at the Pasadena University Club. Seventy-four members and guests were present. Music and entertainment during and after the dinner hour by professional Russian entertainers, consisting of Ocki-Albi, Ylla Khamara, Mlle. De Tolly, Marie Morova and Sabbat Gospodin, furnished something different in song and dance, much to the enjoyment of all.

The singing and accordion playing of Miss Girard were also well received.

The guests introduced included lawyers from Pomona, Alhambra, and Los Angeles, and A. I. Stewart, Chairman of the Board of City Directors; C. W. Koerner, City Manager, and Miner B. Philipps, City Controller.

The President read a telegram from Justice Marshall F. McComb, Associate Justice of the District Court of Appeal, expressing regret at his inability to be present due to his duties as Lieutenant Commander in the United States Navy. Justice Walton J. Wood, Associate Justice of the District Court of Appeal, responded to his introduction by the President by expressing his appreciation of the opportunity to return to Pasadena and visit with old friends. The President introduced Presiding Justice Moore of the District Court of Appeal who responded with a fine address suggesting ways in which lawyers may present cases to an appellate court to advantage.

The guest speaker of the evening, Dr. A. Th. Polyzoides, world-renowned lecturer and writer, gave an informative address on the subject, "War in the Pacific and America's Destiny." The membership anticipated an outstanding presentation by the speaker and was by no means disappointed.

It should be mentioned that the hors d'oeuvres of the Russian flavor served at the dinner were the President's idea, and proved once again that he is nothing less than versatile. It develops that he was once on a Russian track team, too.

Submitted by:

H. BURTON NOBLE, *Secretary*.

### BAR LUNCHEON MEETINGS

DURING the twelve months ended March 1, 1942, the Bi-Weekly Luncheon Committee of the Association, H. Eugene Breitenbach, Chairman, arranged sixteen luncheon meetings, and provided speakers on a wide range of subjects of interest to members of the Bar. Among the speakers, and their subjects, were:

Col. Frank R. McReynolds, "Income Tax Returns"; Ruel L. Olson, "Tax Law and Estate Planning"; Herbert A. Huebner, "Patents and Copyrights"; Herbert Cameron, "Practice Before Railroad Commission"; Prof. Sheldon Elliott, "Developments in Labor Law"; Frank H. Vercoe, "Preliminary Examination, etc."; Leon T. David, "Practice of Municipal Law"; J. W. Mullin, "Probate Practice"; John O'Melveny, "Law Office Management"; Judge Frank G. Swain, "Law and Motion Practice"; John H. O'Conner, "Administrative Boards Practice"; Howard Judy, "Securities Exchange Requirements"; U. S. Judge Leon R. Yankwich, "Diversity of Citizenship"; Judge Kurtz Kauffman, "Ex Parte Orders"; Jerry Geisler, "Trial of Criminal Cases."

There was a noticeable increase in the numbers in attendance through the year, every speaker attracting a capacity audience. The place of meeting was changed from the Los Angeles Athletic Club to the Alexandria Hotel, where future luncheons will be held in Parlor "A", on the mezzanine floor. The luncheon price is 85c, plus the tax.



## THE BAR HERE AND THERE

Should the Bar be especially warned of the danger that threatens American democracy? The editor of the Illinois State Bar Journal believes it should. He thinks the President of the A. B. A. should "lay aside the trite, time-worn generalities and paint the darkest picture possible of the problems that confront the nation's lawyers," with the idea that the Bar would "respond more actively and willingly to its responsibility in the field of public service."

Of course, the Bar of California is doing a great deal along this line, but the suggestion by the Illinois editor is a good one nevertheless.



Cincinnati Bar Association lays claim to being the oldest bar association west of the Alleghenies. It just celebrated its 70th birthday. It has over 800 members—an unusually large percentage of the practitioners in that city.

If the Los Angeles Association had an equal proportion of the total bar membership here, we would have about 3500 members.



Everywhere bar association officials are trying to coordinate the work of the Bar with war work. The A. B. A., in March, took a step in that direction. Many States have relaxed the rules for the admission of bar candidates who are about to enter the military service. In Kentucky a person who is under age may be admitted to the bar if he is about to be inducted.



The Chicago Bar Association has decided that no poll of its members will be taken on candidates for the bench at the judicial primary election this month. It will, however, poll its members in connection with the election next November. The Chicago Association has long followed the practice of taking plebiscites, and supports the bar's choices with great vigor and usually with success.



The Ohio Bar Association report has some pertinent comment on the new Ohio notary public rule. It says:

"The steady improvement in the handling of public affairs in Cleveland is again evidenced by Judge Hurd's report on the first year's operation of the new rule of Common Pleas Court requiring oral and written examinations for those who apply for commissions as notaries public.

"How badly this new rule was needed is shown by the fact that it has reduced the number of applicants from 4,000 to 2,000 a year, has resulted in the rejection of some 22 per cent. of those who have applied, and has revealed that not a few of those who asked for, and under the old system probably would have received, commissions had criminal records. The 50 per cent. reduction in applications indicates that at least half of those who once could have become notaries public knew themselves that they had no qualifications for this office of public trust or that their reasons for wanting to assume the title would not bear scrutiny."



Dallas, Texas, Bar Association has made what is claimed to be the most thorough plan yet devised to throw the full weight of the Bar into the war effort "to achieve complete military victory and to preserve the liberties of the people." It proposes the complete organization of the bar of the county into a "virile, active working unit for aid in the prosecution of the war," and to offer the services of the bar "to federal, state and local governments, and to cooperate with them in every way in order to make these services effective."

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Some members of the Association may, from time to time, wish to make suggestions to the Association or may have some criticism to make of the Association. Others may have comment to make about the courts, procedure or the laws in general. Feeling that there may not always be an opportunity for the member to get his view before the proper committee or that some public discussion may be desirable, the Bulletin offers to print all worthwhile letters. An endeavor will be made to answer all pertinent questions relative to the activities of the Association and to the practice of law. Address all correspondence to Editor, Bar Bulletin, 1124 Rowan Building, Los Angeles, California.

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